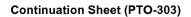
Advisory Action Before the Filing of an Appeal Brief

Application No.	Applicant(s)	
10/530,758	LI ET AL.	
Examiner	Art Unit	
LUAT PHUNG	2464	

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The MAILING DATE of this communication appe	ars on the cover sheet with the c	correspondence add	ress	
THE REPLY FILED <u>21 October 2009</u> FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.				
1. The reply was filed after a final rejection, but prior to or on application, applicant must timely file one of the following rapplication in condition for allowance; (2) a Notice of Appe for Continued Examination (RCE) in compliance with 37 C periods:	replies: (1) an amendment, affidaviral (with appeal fee) in compliance	t, or other evidence, w with 37 CFR 41.31; or	which places the r (3) a Request	
a) The period for reply expires <u>3</u> months from the mailing date	of the final rejection.			
b) The period for reply expires on: (1) the mailing date of this Au no event, however, will the statutory period for reply expire la Examiner Note: If box 1 is checked, check either box (a) or (I MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f	dvisory Action, or (2) the date set forth tter than SIX MONTHS from the mailing b). ONLY CHECK BOX (b) WHEN THE	date of the final rejection	on.	
Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b). NOTICE OF APPEAL				
2. The Notice of Appeal was filed on A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).				
AMENDMENTS				
3. The proposed amendment(s) filed after a final rejection, be (a) They raise new issues that would require further core (b) They raise the issue of new matter (see NOTE below (c) They are not deemed to place the application in better the content of the properties of the properties of the content of the properties	isideration and/or search (see NOTw);	E below);		
appeal; and/or (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.				
NOTE: (See 37 CFR 1.116 and 41.33(a)).	orresponding number of finally reje	cted ciairis.		
4. The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).				
5. Applicant's reply has overcome the following rejection(s): 6. Newly proposed or amended claim(s) would be allowable if submitted in a separate, timely filed amendment canceling the				
non-allowable claim(s). 7. For purposes of appeal, the proposed amendment(s): a) will not be entered, or b) will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended. The status of the claim(s) is (or will be) as follows:				
Claim(s) allowed: Claim(s) objected to: Claim(s) rejected: Claim(s) withdrawn from consideration: AFFIDAVIT OR OTHER EVIDENCE				
 The affidavit or other evidence filed after a final action, but because applicant failed to provide a showing of good and was not earlier presented. See 37 CFR 1.116(e). 				
9. The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will <u>not</u> be entered because the affidavit or other evidence failed to overcome <u>all</u> rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).				
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached. REQUEST FOR RECONSIDERATION/OTHER				
11. The request for reconsideration has been considered but does NOT place the application in condition for allowance because: <u>Please see attached Response.</u>				
12. ☐ Note the attached Information <i>Disclosure Statement</i> (s). (PTO/SB/08) Paper No(s) 13. ☐ Other:				
/Ricky Ngo/	/L. P./			
Supervisory Patent Examiner, Art Unit 2464	Examiner, Art Unit 2464			



Application No.